

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RUSSELL DELANDERS, dba
Vegas Truck & Automotive,

Plaintiff,

vs.

CIVIL NO. 09-1118 JH/LFG

NIKA, INC., dba Thomas
Trucking, Inc.,

Defendant.

ORDER DENYING PLAINTIFF'S MOTION TO COMPEL

THIS MATTER is before the Court on Plaintiff's Motion to Compel [Doc. 75]. No response is necessary.

Plaintiff filed his Motion to Compel on October 20, 2010, seeking to have the Court compel Defendant to fully respond to Plaintiff's First Interrogatories and Requests for Production. Plaintiff states in his Motion that Defendant served objections and partial answers to the discovery requests on September 20, 2010.

Plaintiff's Motion to Compel is untimely. It comes after the deadline for discovery motions, which expired on October 13, 2010. *See*, Order Extending Case Management Deadlines [Doc. 55]. In addition, this district's Local Rule D.N.M.LR-Civ. 26.6 requires a party wishing to file a motion to compel to do so within 21 days of the date objections were served. That deadline, too, has passed in this case.

While Plaintiff sought an extension of the discovery deadlines in this case, that motion was denied by Order of the Court [Doc. 73] on October 14, 2010. No further request for extension was made or granted.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Compel [Doc.75] is denied as untimely.

A handwritten signature in cursive script, reading "Lorenzo F. Garcia", is positioned above a horizontal line.

Lorenzo F. Garcia
United States Magistrate Judge